

Read 26 March 1753

Enacted 26 Geo II. Public Acts, c 88.

91

213. i. 2

91

England - Parliament [Bills. - II George II.]

A BILL for Repairing the Road leading from Oundle, in the County of Northampton, to Alconbury cum Weston, in the County of Huntingdon; from Barnwell, in the said County of Northampton, to Alconbury cum Weston aforesaid; and from the Mile-Brook, in Hammerton, to Wood-Lane End, next the Parish of Great Gidding, in the said County of Huntingdon.



Whereas the Road leading from Oundle, in the County of

Northampton, to Alconbury cum Weston, in the County of Huntingdon, being the great Road leading from many large Trading Towns, in the Counties of Leicester, Derby, and Nottingham, to the Borough of Huntingdon, the University of Cambridge, and many other large Trading Towns, in the Counties of Cambridge, Essex, Suffolk, and

Norfolk; and great Part of the said Road, which lies between Barnwell, in the said County of Northampton, and Alconbury cum Weston aforesaid; and between the Mile-Brook, in Hammerton, and Wood-Lane End, next the Parish of Great Gidding, in the said County of Huntingdon; is, by means of many heavy Carriages, and great Drovers of Cattle, passing thereon, become very deep and ruinous, so that Travellers cannot pass thereon without great Danger; and the Produce of the Lands in, and the Manufactures of, the said several Counties cannot be carried to the proper Places for Sale and Consumption thereof; and many heavy Carriages, and Drovers of Cattle, come into the said Road from the great Post-Road, leading from London to North Britain, to avoid the Turnpikes erected on that Road; whereby great Trespasses and Damages are committed to the Owners and Occupiers of Land and Grounds through which the same do pass; and the said Road leading from Barnwell to Alconbury cum Weston, and from the Mile-Brook, in Hammerton, to Wood-Lane End, next the Parish of Great Gidding aforesaid, cannot, by the Laws now in being, be repaired, and kept in Repair, without the Aid of Parliament:

For Remedy whereof, and to the Intent that the said Road, leading from Barnwell, in the said County of Northampton, to Alconbury cum Weston, and from the Mile-Brook, in Hammerton, to Wood-Lane End aforesaid, may, with all convenient Speed, be effectually amended, and hereafter from time to time kept in good Repair, so that all Persons may travel through the same with Safety; and that the said Carriages and Cattle coming upon the said Road from the said other Road leading from London to North Britain may not escape without paying Toll;

May it please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most excellent MAJESTY, by and with the Advice and Consent of the Lords

A

Spiritual

Trustees im-
powered to
to put this
Act in Execu-
tion.

Spiritual and Temporal, and Commons, in this present Parliament assem-
bled, and by the Authority of the same, That

shall be, and are hereby nominated and appointed Trustees, for the surveying,
ordering, amending, and keeping in Repair, the said Road leading from
Barnwell to *Alconbury cum Weston*, and from the *Mile-Brook*, in *Hammer-*
ton, to *Wood-Lane* End, aforesaid; and for putting in Execution all the
Powers by this Act given.

Provided always, and be it further Enacted, by the Authority
aforesaid, That no Person shall be qualified or capable of acting as a Trustee,
in any Case, in the Execution of this Act, unless he shall be possessed of
an Estate in Land of or be Heir apparent of a Person
possessed of an Estate in Land of or be possessed of

personal Estate of the Value of
Pounds:

And if any Person or Persons who shall be deemed unqualified, or made incapable, to act for the Causes aforesaid, shall nevertheless presume to act, contrary to the true Intent and Meaning of this Act, every such Person and Persons shall for every such Offence or Offences the Sum of to any Person or Persons who shall inform and sue for the same ; to be

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, or such Person or Persons as they, or any or more of them, shall direct or appoint, shall and may, and they are hereby authorized and impowered to erect and set up One Turnpike, or Toll-gate, or Toll-house, in, upon, or cross, the said Road at *Mile-Brook* aforesaid, and One other Turnpike, Toll-gate, or Toll-house, in, upon, or across, the said Road, leading from *Thurning* to *Barnwell*, near the Sign of the *Swan* in *Barnwell* aforesaid; as to the said Trustees, and their Successors, or any or more of them, shall seem requisite and expedient ; and at each such Gate or Turnpike shall ask, demand, receive, and take, before any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, or other Carriage, Horse, Mare, Afs, Mule, or any other Sort of Cattle, shall be permitted to pass through the said Turnpike or Turnpikes, Toll-gate or Toll-gates, the several Tolls and Duties following; that is to say, For every Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, or Hearse, drawn by more than Two Horses,

Which said several and respective Sums of Money shall be demanded and taken in the Name of and as a Toll or Duty, Tolls or Duties; and the Money so to be raised and collected shall be, and is hereby, vested in the said Trustees; and the same, and every Part thereof, shall be paid, applied to, and disposed of, or assigned, in manner following; that is to say, In the First place, for the paying and defraying the Charges and Expences of procuring and obtaining this Act; and afterwards for the making, amending, and keeping in Repair, the Road hereby intended to be made and repaired, and to and for the several other Uses, Intents, and Purposes, and in such manner as is herein after declared and directed: And the said Trustees, or any or more of them, are hereby impowered, by themselves, or by any

Tolls to be
levied by

any Person or Persons by them, or any or more of them, under their Hands and Seals, thereunto authorized, to the Tolls or Duties hereby required to be paid upon any Person or Persons who shall (after Demand thereof made), refuse or neglect to pay the same, by of any Horse, or other Cattle, or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons so neglecting or refusing to pay the same; and the Cattle or Goods so to until such Tolls and Duties, with the reasonable Charges of such shall be paid; and such Person or Persons so after the Space of Days after such shall and may the Goods so returning the Overplus (if any there be), upon Demand, to the Owner thereof, after such Tolls, Duties, and reasonable Charges for the same, shall be deducted and paid.

Inhabitants of
Buckworth
Parish ex-
empted.

Parishes of
Barnwell ex-
empted.

Penalty on
permitting
private Pas-
sage.

Provided always, and be it further Enacted, by the Authority afore-
said, That nothing in this Act shall extend, or be construed to extend, to
charge the Inhabitants of the Parish of *Buckworth*, in the County of *Hunting-*
don, with any of the said Duties or Tolls forpassing or repassing through any
Gate or Turnpike to be erected, and set up, in the said Parish of *Buck-*
worth; or to charge the Inhabitants of the Parishes of *Barnwell*, in the said
County of *Northampton*, with any of the said Duties or Tolls for passing
or repassing through any Gate or Turnpike to be erected, and set up, in
the said Parishes of *Barnwell*, or ether of them; any thing in this present
Act contained to the contrary thereof in any-wise notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if
any Person or Persons shall, with any Horse, Mare, Gelding, Ox, Mule,
Ais, Cattle, Coach, Berlin, Landau, Chariot, Chaise, Chair, Calash, Wag-
gon, Wain, Cart, or other Carriage, go or pass through any Ground,
Parcel of Land, or other Place adjoining to, or lying near, any or either of
the Gates or Turnpikes to be by virtue of this Act erected, the same not
being a common Road; or if any Person or Persons, owning or occupying
any Ground, Land, or Hereditaments, which shall adjoin or lie near to any
or either of the said Gates or Turnpikes, shall knowingly or willingly permit
or suffer any Person or Persons, with any Coach, Berlin, Landau, Chariot,
Calash, Chaise, Chair, Hearse, or Litter, Waggon, Wain, Cart, or other
Carriage, Horse, Mare, Gelding, Ox, Mule, Ais, or any sort of Cattle,
to go or pass through the same Ground, Lands, or Hereditaments; or if
any Person or Persons shall give to, or receive of, any other Person or
Persons, except the Person or Persons appointed to collect and receive the
Tolls hereby made payable, any Note or Ticket of the Day by this Act
directed to be given by the Collectors or Receivers of the said Tolls; or if
any Person or Persons shall at any time unload, or cause to be unladen,
any sort of Goods and Merchandize; or take off, or cause to be taken off,
any Horse, Mare or Gelding, or any other sort of Cattle, from any Coach,
Chariot, Berlin, Landau, Chaise, Calash, Chair, Hearse, or Litter, or from any
Waggon, Wain, Cart, or any other Carriage, at or before the same shall come
to any of the Gates or Turnpikes to be erected by virtue of this Act, with
Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall
conceal or secrete any Goods, or other things chargeable with any the Tolls
aforesaid; or shall put or leave in any House or Place any Coach, Chariot,
Berlin, Landau, Chaise, Calash, Chair, Waggon, Wain, Cart, or other
Carriage, Horse, Gelding, Mare, or any other Cattle, chargeable with, or
liable

liable to pay, the said Tolls or Duties, with such Intent as aforesaid; each and every Person or Persons so offending, in any of the Cases aforesaid, and being there of convicted upon Oath, by the Testimony of One or more credible Witness or Witnesses, before the said Trustees, or any or more of them (which Oath the said Trustees, or any or more of them, are hereby impowered to administer), or before One or more Justice or Justices of the Peace for the County, in which such Offence shall be committed (which Oath the said Justice or Justices is and are hereby also impowered to administer), shall, for every such Offence respectively, forfeit and pay to the said Trustees, hereby authorized to put this Act in Execution, or to their Treasurer for the Time being, the Sum of which Sum, in case the same be not forthwith paid, shall be by of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the said Trustees, or any or more of them, or of the said Justice or Justices, rendering the Overplus to the Owner, on Demand, after deducting the reasonable Charges of such to be settled by the said Trustees, or any or more of them, or by the said Justice or Justices.

And be it further Enacted, by the Authority aforesaid, That it shall Trustees may and may be lawful for the said Trustees, or any or more of them, erect Side-gates. to erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, Toll-house or Toll-houses, on the Side or Sides of the said Road, and cross any Lane or Way leading out of, or near the same; and there to take or receive such Tolls as are by this Act granted, and made payable.

And be it further Enacted, by the Authority aforesaid, That the said Trustees to Trustees, or any or more of them, present at their First, or any succeeding Meeting, by any Writing under their Hands and Seals, shall and choose Officers; may choose and appoint One or more fit Person or Persons to be Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, of the Tolls and Duties aforesaid; and shall take such Security, for the due Execution of their respective Offices, as the said Trustees shall approve of; and also shall and may in like manner choose and appoint One or more fit Person or Persons to be Surveyor or Surveyors, to view the Condition of the said Road, and to see, that the same is repaired; and also that the Money, by this Act raised, be duly applied; and, from time to time, to remove such Clerks, Treasurers, Collectors, Receivers, and Surveyors, or any of them, as they shall see Occasion; and appoint new ones, and to remove them. in case of Death, or such Removal: And such Person or Persons as is or are hereby made liable to pay the said Tolls or Duties, shall pay the same, after the Rates aforesaid, to such Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be appointed for that Purpose: And the Person or Persons so appointed to collect and receive the said Tolls or Duties, and also such Surveyor or Surveyors, so appointed as aforesaid, shall, upon Oath, if thereunto required by the said Officers to account on Oath. Trustees, or any or more of them, or before One or more Justice or Justices of the Peace, residing near the said Road (which Oath the said Trustees, or any or more of them, or the said Justice, is and are hereby impowered and required to administer) on the or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account in Writing, under their respective Hands,

No Fee to be taken for Oath; and may be taken in Writing.

Trustees may allow Salaries to Officers.

Officers not making Account and Payment.

Hands, of all Monies, which he and they, and every or any of them, shall, to such time, have received, paid, and disbursed, by virtue of this Act, or by reason of their respective Offices; for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereupon: And in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any or more of them, or to such Person or Persons as they, or any or more of them, shall by any Writing or Writings, under their Hands, authorize and empower to receive the same; and shall be disbursed, and laid out, in amending the said Road, according to the true Meaning of this Act, and not otherwise: And the said Trustees, or any or more of them, shall and may, out of the Money arising by the said Tolls and Duties, make such Allowance to the Clerk or Clerks, Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, and other Officers, by the said Trustees, or any or more of them, so appointed as aforesaid, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their respective Office or Offices, and to such other Person or Persons as have been, or shall be, assisting in and about procuring the said Road to be amended and repaired, as to the said Trustees, or any or more of them, shall seem meet: And in case the said Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties, so to be paid as aforesaid, or the Surveyor or Surveyors, or any of them, shall not give and make such Account and Payment, as the said Trustees, or any or more of them, shall order and direct; that then any or more Justices of the Peace, at any Special Sessions, or Monthly Meetings of them, to be holden for the County where such Receiver, Collector, or Surveyor, shall inhabit and dwell, who shall refuse to give and make such Account or Payment as aforesaid, shall make Inquiry of or concerning such Default, as well by Confession of the Parties themselves, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices, are hereby empowered and required to administer, without Fee or Reward): And if any Person or Persons shall be thereof convicted by such Justices, they shall, upon such Conviction,

(which Composition the said Trustees, or any or more of them, are hereby authorized and empowered to make); and such Receiver, Collector, or other Person, so to be for not accounting, or for not paying over the Monies in his Hands, shall remain and continue under such upon his accounting as aforesaid, until

as aforesaid, shall appear to be due unto such Person or Person as the said Trustees, or any or more of them. shall appoint to receive the same.

Surveyors may get Materials out of Commons, &c.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors, and such Person as he or they shall appoint, to dig, gather, take, and carry away, any Grass, Fuel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook

Brook, or out of or from the Waste or Common of or in any Parish, Town, Village, or Hamlet, in the said Counties of *Northampton* and *Huntingdon*, proper and convenient for Repairing and Amending of the Road aforesaid; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, then to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common, of any neighbouring Parish, Town, Village, or Hamlet, in any other County or Counties, without paying any thing for the same; such Surveyor or Surveyors, levelling or causing to be levelled, all such Holes and Pits, where any such Materials as aforesaid, shall be digged, gathered, or taken, and from whence the same shall be carried away: And where there is not sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste-grounds, as aforesaid, it shall and may be lawful for such Surveyor or Surveyors, by Order of the said Trustees, or any or more of them, to dig and gather such Materials in, and carry the same out of, the several Grounds of any Person or Persons, not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House or Place, or any Piece or Parcel of Ground, set apart, or used as a Plantation or Nursery for Trees, where such Materials are or may be found; and from time to time to carry away the same, or so much thereof as the said Surveyor or Surveyors shall judge necessary for repairing and amending the Road aforesaid; paying such Rates for such Materials, and for the Damage done to the Owners and Occupiers respectively of the Grounds where, and from whence, the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees appointed or to be appointed for repairing the said Road, or any or more of them, shall adjudge reasonable: And in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, touching such Damages as aforesaid, the Justices of the Peace, at their next Quarter-Sessions to be holden in and for such County, wherein the Place from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done, as aforesaid, or the Part of them then present, shall and may adjudge, assess, and finally determine, the same.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors, and such Person or Persons as he or they shall appoint (by the Direction of the said Trustees, or any or more of them under their Hands), from time to time, to remove and prevent all Annoyances on or in any Part of the Road aforesaid, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Watercourses, Sinks, or Drains, running into, along, or out of, the said Road, to the Prejudice thereof; and to cleanse, open, scour, drain, deepen, or enlarge, any Ditch or Watercourse adjoining to the said Road; and to cut, up, or top, any Trees or Bushes (Timber-trees excepted) growing in the said Road, or in the Hedges or Banks adjacent thereto, and to take and carry away the same (the Owners or Occupiers of the Premises, where such Annoyances, as aforesaid, shall happen to be, neglecting to remove the same), and to cut down such Trees (except as before excepted) or Bushes, or to remove such other Annoyances for the Space of Surveyors may remove Annoyances. Days next after Notice, in Writing given for that Purpose, under the Hands of the said Trustees, or any or more of them, the Charges whereof; shall be reimbursed

buried to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances, as aforesaid; and shall and may, in case of Refusal, be

by of the Goods and Chattels of such Owners or Occupiers, by Warrant, under the Hands and Seals of the said Trustees, or any or more of them, or under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County, wherein that Part of the Road shall lie; rendering the Overplus (if any) after all Charges paid, such Charges to be settled by the said Trustees, or any or more of them, or by the said Justice or Justices: And if, after Removal of any the said Annoyance, any Person or Persons shall again occasion any Annoyances by Filth, Dung, Ashes, or otherwise upon the said Road, or by turning into the same any Watercourse, Sink, or Drain to the Prejudice thereof, every Person so offending, and being thereof convicted, upon Oath of One or more Witness or Witnesses, before the said Trustees, or any or more of them, or before any One or more Justice or Justices of the Peace for the County where the Offence shall be committed (which Oath the said Trustees, or any or more of them, or the said Justice or Justices, is and are hereby empowered to administer shall, for every such Offence, forfeit and pay to the said Trustees the Sum of to be in manner herein after-mentioned, for and towards the repairing of the said Road.

Power to borrow Money.

And forasmuch as the Money to be collected by the Receipt of the Tolls and Duties by this Act made payable, as aforesaid, will not for some time be sufficient for the speedy Repairing of the said Road, **Be it further Enacted**, by the Authority aforesaid, That the said Trustees, or any or more of them, shall and may, and are hereby empowered, from time to time, by any Writing or Writings, under their Hands and Seals to assign over the Tolls and Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be borne and paid out of such Tolls and Duties), for any Time or Term, during the Continuance of this Act, as a Security for any Sum or Sums of Money so to be borrowed by the said Trustees for that Purpose, to such Person or Persons, or their Trustees, who shall advance or lend the same, to secure the Payment thereof, with Interest for the same, not exceeding *per Centum per Annum*; which said Money, so to be borrowed, shall be applied, and disposed of, as the said Tolls or Duties by this Act are directed to be applied, and disposed of, and to no other Use or Purpose whatsoever.

Persons and Things exempted from Toll.

Provided always, and it is hereby further Enacted, by the Authority aforesaid, That no Person or Persons shall be charged with any of the Tolls or Duties aforesaid, for any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials for repairing the said Road, or for any Lime, Lime-Stone, Dung, Mould, or Compost, of any Nature or Kind whatsoever, for Manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken by virtue, of this Act, for any Carts, Wain Waggon, or other Carriages, carrying any Hay, or Corn in the Straw, to be laid up in the Houses, Outhouses, Barns, or Yards, of, or belonging to the respective Inhabitants of the several Parishes, Townships, or Places, in which the said Road hereby intended to be repaired doth lie; nor shall any of the Tolls or Duties hereby laid, be demanded or taken from any Person

or Persons whatsoever, for passing or repassing through the said Toll-gate or Toll-gates, Turnpike or Turnpikes, with Coal, Wood, Turf, or any other Sort of Fewel, or Hedging-Wood, to be respectively used by any Person or Persons, residing within *Miles of Mile-Brook* aforesaid; nor shall any Toll or Duty be demanded or taken for Horses of Soldiers passing, who are upon their March, or for Carts, Carriages, or Waggon, attending them, or laden with their Arms or Baggage, or for Horses, Carts, or Waggon, travelling with Vagrants sent by legal Passes; nor shall any Toll or Duty be demanded or taken for Coaches, Berlins, Landaus, Chariots, Calashes, Chaises, Litters, Chairs, and Passengers on Horseback, on the Days or Times, on which there shall be an Election of Knight or Knights of the Shire for the said Counties of *Northampton* or *Huntingdon*; nor for such Coaches, Berlins, Landaus, Chariots, Calashes, Chaise, Litters, Chairs, or Passengers, going to, or returning from, such Elections; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all and every the Turnpikes and Toll-houses, which shall be erected and built by virtue of this Act, shall be vested in the said Trustees appointed or to be appointed to put the same into Execution; and that they, or any or more of them, are hereby authorized and empowered to dispose thereof as they shall think proper, or to bring Actions, or prefer Bills of Indictment, in their Names, or in the Name or Names of their Clerk or Clerks, Treasurer or Treasurers, or any or more of them, against any Person or Persons, who shall steal, take away, break down, or spoil, such Turnpikes or Toll-houses, or any or either of them, so erected and built, as aforesaid.

Provided always, and be it further Enacted, by the Authority aforesaid, That all and every Person and Persons, who by Law are chargeable towards repairing and amending the said Road hereby intended to be repaired, shall still remain chargeable to do their respective Days Work in the several Parishes, Townships, and Places, in which the said Road doth lie, in such manner as he, she, or they, ought to have done before the Passing of this Act.

And for preventing Differences which may arise between the said Trustees, and the Surveyors of the Highways for the Time being, for the several Parishes or Places through which the Road aforesaid doth lead, touching what Part of the Statute-work in any Parish, Place, or Division, ought to be done on the Road by this Act directed to be repaired, **Be it further Enacted**, by the Authority aforesaid, That it shall and may (yearly and every Year, during the Continuance of this Act) be lawful for any or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike-Surveyor or Surveyors, to adjudge and determine what Part or Proportion of the said Statute-work shall be done upon the Road aforesaid, by the Inhabitants of each or any of the Parishes, in which the said Road hereby directed to be amended doth lie; so that the same doth not in the Whole exceed Days Statute-work, nor be done in Hay-time or Harvest.

And be it further Enacted, by the Authority aforesaid, That the respective Surveyor or Surveyors of the Highways, for the Time being, of all and every the Parish and Parishes, in which the said Road intended to be repaired by this present Act doth lie, shall yearly and every Year, during the

Turnpikes and Toll-houses vested in Trustees.

Persons chargeable to the Highways, to continue so.

Trustees to determine for Statute-work.

Parish Surveyors to give a List of Parishioners to Turnpike-Surveyors,

the Continuance of this Act, within Days after Demand made to him or them in Writing, by the Turnpike-Surveyor or Surveyors appointed or to be appointed by the said Trustees, or any or more of them, give, and deliver to the said Turnpike-Surveyor or Surveyors, an exact List or Account, in Writing, under his or their Hands, of the Christian and Surnames of all and every Person and Persons in the said respective Parishes, who are by Law chargeable towards repairing the Roads in any of the said Parishes; and shall set forth and specify in such List, what each Person is respectively chargeable with for and towards the same; and the said Parish Surveyor or Surveyors, for the Time being, respectively, within Days after Notice shall be given them, or either of them, by the said Turnpike-Surveyor or Surveyors, of the time when, and how many of the Persons so chargeable, as aforesaid, he or they would have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in or upon any Part or Parts of the said Road within their respective Parishes, shall summon, or give publick Notice thereof to, the said Person or Persons so chargeable as aforesaid; and if any Parish-Surveyor or Surveyors aforesaid shall neglect or refuse to do as they are hereby required and directed to do, he or they, for every such Neglect or Refusal, shall forfeit the Sum of to be in such manner as any other Forfeiture or Penalty is by this Act directed to be which said Sum of shall be applied towards repairing the said Road: And if any Person or Persons, keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable towards repairing the said Roads, shall, after such Summons, or publick Notice, neglect or refuse to send their Teams, Draughts, or Carts (each Team or Cart not to contain less than good Horses, or Beasts of Draught, with able Men to attend the same), to do and perform such their respective Days Work on the said Road within their respective Parishes, he, she, or they, so neglecting or refusing, shall respectively forfeit the Sum of for every Team, Draught, or Cart, making Default each of the said respective Days: And if any Labourer, or other Person or Persons so chargeable towards repairing the said Road, shall at any time neglect or refuse (after such Summons, or publick Notice) to do and perform the said appointed Days Work on the said Road, within his or their respective Parish or Parishes, he or they shall respectively forfeit the Sum of for each of the said Days such Labourer, or other Person or Persons, shall make Default: And if any Person or Persons, who shall (according to such Summons, or publick Notice, as aforesaid) come to work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, are found idle or negligent by the said Turnpike-Surveyor or Surveyors respectively, where the Work is to be done; in such Case the Turnpike-Surveyor or Surveyors may, and is and are hereby impowered and required, to remove him or them off, who shall be found idle and negligent, as aforesaid; and it shall be esteemed and taken, as if such Person or Persons had not come, or sent any Team, Draught, or Cart, on the said Road; and he, she, or they, shall be subject and liable to do their respective Days Work afore-mentioned, as if he, she, or they, had neglected or refused to do or perform the said respective Days Work, so ordered and appointed as aforesaid.

Penalty on
Persons with
Teams, not
coming to
work.

And

And be it further Enacted, by the Authority aforesaid, That all Penalties, &c. and Forfeitures by this Act incurred (touching which no other Provision is herein made) shall be how to be recovered.

of the Offender's Goods and Chattels, by Warrant or Warrants under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the said Counties of *Northampton* and *Huntingdon* respectively, where the Offence shall happen; which Warrant or Warrants the Justice or Justices is or are hereby impowered and required to grant, upon the information of One or more credible Witness or Witnesses upon Oath (which Oath such Justice or Justices is and are hereby impowered and required to administer); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any) to the Party or Parties, whose Goods or Chattels shall be so the Charges of such

being first deducted, shall go, and be applied, and laid out, towards amending the Road hereby directed to be repaired.

And be it further Enacted, by the Authority aforesaid, That the said Trustees appointed or to be appointed to put this Act in Execution shall, Accounts and Payments, and other Proceedings, to be entered in a Book. during the Continuance thereof, take care to have all Receipts, Payments, Debts, Orders, and Contracts, had or made, or contracted or entered into, or, upon, or on account of the making and amending the said Road, and in all other the Proceedings of them the said Trustees, to be forthwith fairly written and entered in One or more Book or Books, to be kept for that purpose by the said Clerk or Clerks, Treasurer or Treasurers; which said Book or Books shall or may be seen and perused at all seasonable Times, without Fee or Reward, by any Person or Persons whomsoever: And also, that any of the said Trustees so appointed or to be appointed shall and may take Copies of all or any Part thereof, paying for every Copy, not exceeding Words and so proportionably for any greater or lesser Number of Words; and that all such Orders, so entered, shall be signed by the Clerk to the said Trustees, at any Meeting of any or more of the Trustees aforesaid assembled, as the Case shall require; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands and Seals of any or more of the Trustees; which said Book or Books, and also the said Book directed to be kept for registering or entering the said Contracts, shall and may be produced and read in Evidence, in all Cases of Appeal, Suits, or Actions, touching any thing done in Pursuance, and by the Authority, of this Act.

Provided always, and be it further Enacted, by the Authority Persons aggrieved may appeal to the Quarter-Sessions. aforesaid, That in case any Collector or Collectors, Receiver or Receivers, or other Person or Persons, shall think him, her, or themselves, aggrieved by any thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them, within the Space of Months, to appeal to the Justices of the Peace, at their next General Quarter-Sessions of the Peace to be held for the County or Counties where the Matter in Question shall arise; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint and Complaints of any Person or Persons so aggrieved; and, if they see Cause, shall and may, by Order of such Sessions, mitigate, at their Discretion, all or any incurred by the Party or Parties complaining, or vacate or set aside the and set the Party

Party or Parties at Liberty, or otherwise may ratify and confirm the same with such as to them, in their Discretion, shall seem reasonable; and to by their Order or Warrant, such so awarded, by of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; and, for want of sufficient to of the said respective Counties of *Northampton* and *Huntingdon*, wherein such Appeal shall be heard and determined, for any time not exceeding Months, or until shall be made; but the Person or Persons, so appealing as aforesaid, shall, and they are hereby directed to give Notice, in Writing, to the Treasurer or Treasurers, for the Time being, of the Tolls and Duties granted by this Act, where the Offence was committed, of such their Intention of bringing or prosecuting any Appeal Days before the said Quarter-Sessions; and shall, within Days after such Notice given, enter into a Recognizance before One or more Justice or Justices of the Peace of and for such County where such Appeal shall lie, with sufficient Sureties, with Condition to try such Appeal at the Quarter-Sessions of the Peace which shall be held for such County next and immediately after giving Notice of such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Proceedings not to be quashed for want of Form.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only; or be removed or removeable by *Certiorari* or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*; any thing herein contained to the contrary notwithstanding.

No Nomination, Appointment, Information, &c. to be charged with Stamp-Duties.

And it is hereby further Enacted and Declared, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, or other Determination whatsoever, under the Hand and Seal, or Hands and Seals, of any of the Trustees of this Act, or under the Hand and Seal, or Hands and Seals, of, or exhibited before, any Justice or Justices of the Peace, touching, concerning, or in Execution of, any Power or Authority hereby vested in them, some or any of them, respectively, shall be charged or chargeable with any Stamp-Duty whatsoever.

Commencement and Continuance of this Act, &c.

And be it further Enacted, by the Authority aforesaid, That the Tolls or Duties hereby granted shall take place from and after the Day of One thousand Seven hundred and Fifty and shall continue and be paid from thenceforth for and during the Term of Years, and from thence to the End of the then next

But if repaired before, Tolls shall cease.

Sessions of Parliament: But if, at any time before the Expiration of the said Term, all the said Road shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace for the said Counties of *Northampton* and *Huntingdon*, at their respective General Quarter-Sessions to be holden for the said several Counties, that then from and after such Adjudication made and Repayment of all such Monies as shall have been borrowed on the Credit of the said Tolls and Duties hereby granted, with the Interest for the same, and the Costs and Charges thereof, and of obtaining this Act of Parliament, the aforesaid Tolls and Duties shall cease and determine; any thing herein contained to the contrary notwithstanding.

And

And be it further Enacted and Declared, by the Authority afore-^{Trustees may} said, That it shall and may be lawful to and for the said Trustees appointed, ^{act as Justices.} or to be appointed, to put this Act in Execution, who is, are, or shall be, in the Commission of the Peace for the several Counties in which the said Road hereby intended to be repaired doth lie, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned and contained.

Provided always, and be it further Declared and Enacted, That ^{Trustees not} no Person or Persons appointed, or to be appointed, by this Act, a Trustee or ^{to have any} Trustees for putting this Act in Execution, shall have or accept of any ^{Place of Pro-} Place of Profit arising out of it, or by reason of any Tolls or Duties by this ^{fit under this} Act. ^{Act.} Act laid or granted; but such Person or Person, shall be incapable of acting as a Trustee or Trustees from the time of Accepting, and during the Enjoyment, of such Place of Profit, as aforesaid.

Provided also, and it is hereby further Enacted, That the said ^{To set up} Trustees, or any or more of them, shall and may, and are hereby re- ^{Mile-stones.} quired to cause the said Road to be measured, and Stones or Posts to be set up thereon, or near the Sides of the said Road (each Stone or Post at the Distance of One Mile from the other), and denoting the Distances of every such Stone or Post from any other Place, as to the said Trustees shall seem meet: And if any Person or Persons shall voluntarily and maliciously ^{Penalty on} break any of the said Stones or Posts, or any Part thereof, which shall be ^{defacing.} so erected and set up, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof by the Confession of the Party, or by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace for the said respective Counties of *Northampton* and *Huntingdon* where such Offence shall be committed, every such Person or Persons so offending shall respectively the Sum of for each Stone or Post so voluntarily or maliciously broke, obliterated, or defaced; to be by every such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Conviction shall be made; whereof to go and the thereof shall be applied in repairing the said Road, and making good such Stones or Posts so broken or defaced: And in case the Person or Persons so offending, and shall have no Goods and Chattels, then it shall and may be lawful to and for any One or more such Justice or Justices, by Warrant under his Hand and Seal, or their Hands and Seals, respectively, to

Provided always, and it is hereby further Enacted, by the Au-^{Tolls to be} thority aforesaid, That no Person or Persons, having Occasion to pass ^{paid only once} through any Turnpike or Turnpikes where the Tolls or Duties are or ^{a Day.} shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes before of the Clock at Night, with the same Coach, Berlin, Chariot, Landau, Calash, Chaise, Chair, Hearse, Litter, Waggon, Wain,

Wain, Cart, or other Carriage, Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which such Tolls or Duties have been paid, shall be liable or compelled the same Day to pay the said Tolls and Duties more than on the said Road; such Person or Persons producing a Note or Ticket, that the said Toll or Duty had been paid on the same Day at any One of the said Gates or Turnpikes.

First Meeting
of Trustees.

And be it further Enacted, by the Authority aforesaid, That the several Trustees hereby appointed, or any or more of them, shall meet together on the Day of and at their next Meeting shall meet at and afterwards shall adjourn themselves, and afterwards meet there, or at any other Place near the said Road, as the said Trustees, or any or more of them, shall think proper and convenient, as often as it shall be necessary for putting this Act in Execution: And that a General Meeting of the said Trustees shall yearly, and every Year, during the Continuance of this Act, be held at or any other convenient House in

aforesaid; Days Notice to be given in Writing, and fixed on all the Turnpikes on the Day of for the Passing and Settling of all Accounts of all Receivers, Collectors, Toll-bar-keepers, and other Officers, belonging or relating to the said Road; unless the said Day of shall happen to be on a Sunday, and that then such yearly General Meeting shall be held on the next following: And that if there shall not appear, at any such yearly General or any other Meeting so appointed, or to be appointed, a sufficient Number of Trustees to act at such yearly General or other Meeting, and to adjourn to any other Day, the Clerk or Clerks to the said Trustees shall and may, by publick Notice, in Writing, to be fixed at all the Turnpikes, at least Days before the next Meeting, appoint the said Trustees to meet at the House where the last Meeting was appointed to be held, or at some other convenient House in or near the said Road: And the said Trustees, at their First, and every other subsequent Meeting, shall defray their own Charges and Expences.

Surviving
Trustees to
choose new
ones on Death,
or refusing to
act.

And, for continuing a sufficient Number of Trustees for putting this Act in Execution, during the Continuance thereof, **Be it further Enacted**, by the Authority aforesaid, That when, and as often as, any Trustee or Trustees shall die, or refuse to act, it shall and may be lawful for the surviving Trustees, or any or more of them, by any Writing or Writings, under their Hands and Seals, from time to time, and at all times hereafter, during the Term aforesaid, at such yearly General Meeting, to be held at to nominate or appoint One or more fit Person or Persons, resident in the said County of *Northampton*, in the room of such Trustee or Trustees so deceased, or refusing to act, who did or doth reside within the said County of *Northampton*; as also One or more fit Person or Persons, resident in the said County of *Huntingdon*, in the room of such Trustee or Trustees so deceased, or refusing to act, who did or doth reside within the said County of *Huntingdon*; Notice of the Time and Place of Meeting for the Election of all and every such Trustee and Trustees being affixed, in Writing, at all the Toll-gates or Turnpikes to be erected by virtue of this Act, at least Days before the Meeting for such Election: And all and every such Person and Persons as shall from time

time to time be so chosen and appointed, is and are hereby impowered to act, to all Intents and Purposes, in as full and ample manner as the said Trustees nominated in this Act are impowered to act.

Provided always, and it is hereby Enacted and Declared, by the Authority aforesaid, That the said Trustees, or any of them, shall, and they are hereby impowered, under their Hands and Seals (without any Stamp-Duty thereupon), to contract with any Person or Persons for the repairing and amending the said Road, or any Part thereof; and also for the erecting and setting up Mile-stones or Posts in, upon, or on the Sides of, the said Road, or any Part thereof, in such manner, and for such Sum or Sums of Money, as shall be agreed upon by and between the said Trustees, or any Person and Persons so contracting with the said Trustees, or any

Trustees may
or more contract with
Persons to re-
pair Roads,
and set up
Mile-stones.

or more of them.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing to be done in pursuance of this Act, every such Action or Suit shall be brought within Months next after the Fact committed, and not afterwards; and shall be laid and brought in such of the said Counties of Northampton and Huntingdon, in which the Cause or Causes of Action shall arise, and not elsewhere: And the Defendant or Defendants, in such Action or Suit, shall and may plead the General Issue, Not Guilty; and give this Act, and the Special Matters, in Evidence, at any Tryal to be had thereupon; and that the same was done in Pursuance of, and by the authority of, this Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants: And upon such Verdict; or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover and have such Remedy for the future, as any Defendant or Defendants hath or have, in any Case, by Law.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and be judicially taken notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

leading from Oundle, in the County
of Northampton, to Alconbury
cum Weston, in the County of
Huntingdon; from Barnwell, in
the said County of Northampton,
to Alconbury cum Weston afore-
said; and from the Mile-Brook,
in Hamerton, to Wood-Lane
End, next the Parish of Great
Cidding, in the said County of
Huntingdon.

And be it enacted by the KING's most
Excellent Majesty, by and with the Advice and Consent of the Lords
Spiritual

